

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 1, 2010

DIVISION ONE

B215114 Friends of Glendora, et al. (Certified for Publication)
 v.
 City of Glendora, et al.

The judgment is affirmed. Costs are awarded to respondents.

Johnson, J.

We concur: Mallano, P.J.
 Rothschild, J.

B218238 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 S.R.

The visitation order of August 13, 2009 is affirmed.

Chaney, J.

We concur: Rothschild, Acting P.J.
 Johnson, J.

March 1, 2010 (Continued)

DIVISION ONE (continued)

B220813 S.Y. (Not for Publication)
v.
Superior Court, Los Angeles County
(Department of Children & Family Services, r.p.i.)

The petition for an extraordinary writ is denied.

Chaney, J.

We concur: Rothschild, Acting P.J.
 Johnson, J.

B216779 People (Not for Publication)
v.
Robinson

Appellant's motion to amend her notice of appeal is granted. The judgment is affirmed. The trial court is directed to prepare and forward to the Department of Corrections and Rehabilitation a corrected abstract of judgment, reflecting that Appellant was convicted of assault by means of force likely to produce great bodily injury, not assault with a deadly weapon.

Chaney, J.

We concur: Mallano, P.J.
 Rothschild, J.

B212348 PNS Jewelry, Inc. (Not for Publication)
v.
Penn-America Insurance Company

The judgment is affirmed.

Chaney, J.

We concur: Mallano, P.J.
 Johnson, J.

March 1, 2010 (Continued)

DIVISION ONE (continued)

B214479 In re Padilla on Habeas Corpus (Not for Publication)

The petition is denied.

Chaney, J.

We concur: Mallano, P.J.
 Rothschild, J.

B207127 People (Not for Publication)
 v.
 Duffy

We remand the matter for resentencing.

Johnson, J.

We concur: Mallano, P.J.
 Rothschild, J.

DIVISION TWO

B216708 People (Not for Publication)
 v.
 Maurice P.

The Court:

The judgment is affirmed.

Boren, P.J., Ashmann-Gerst, J., Chavez, J.

March 1, 2010 (Continued)

DIVISION THREE

B217746 People (Not for Publication)
v.
Aldon Arellano Avila

The order denying the petition for writ of error coram nobis is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION FOUR

B218430 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Deserie H.

The July 16, 2009 order denying the section 388 petition is affirmed.

Manella, J.

We concur: Epstein, P.J.
Suzukawa, J.

B216665 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Christina M., et al.

The order is affirmed.

Epstein, P.J.

We concur: Willhite, J.
Suzukawa, J.

March 1, 2010 (Continued)

DIVISION FOUR (continued)

B212366 People v. Lewis (Not for Publication)

The judgment is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.
Suzukawa, J.

[illegible]

The judgment is modified to include a total of 291 conduct credits and a total presentence credit of 2,602 days. In all other respects, the judgment is affirmed. The trial court is directed to correct the abstract of judgment and the sentencing minute order and to send a certified copy of the amended abstract to the Department of corrections and Rehabilitation.

Manella, J.

We concur: Epstein, P.J.
Willhite, J.

B212779 UM Capital LLC (Not for Publication)
v.
Ozeran

The judgment is affirmed. UM is awarded its costs on appeal.

Manella, J.

We concur: Willhite, Acting P.J.
Suzukawa, J.

March 1, 2010 (Continued)

DIVISION FOUR (continued)

[illegible]

The judgment is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.
Suzukawa, J.

B208392 People
v.
Fernandez

Filed order denying petition for rehearing.

DIVISION FIVE

Court convened at 9:00 a.m.

Present: Armstrong, Acting P.J., Mosk, J., Weisman, J. (Assigned) and J. Belcher, Deputy Clerk.

Each of the following:

B215716 People v. Anderson
B218492 DCFS v. R.C.
B214879 People v. Terveer

Argument waived, cause submitted.

DIVISION FIVE (continued)

B195197 People
 v.
 Reyes Concha and Julio Hernandez

Merits:
Argued by Diana Teran and Maria Morrison for appellants and by
Stephanie Miyoshi, deputy attorney general, for respondent. Cause
submitted.

B209562 STF Equity
 v
 Professional Interactive.

Merits:
Argued by Ben Whitwell for respondent. Appellant waived argument.
Cause submitted.

Court recessed.

Court reconvened at 11:00 a.m.

Present: Mosk, Acting P.J., Kriegler, J., Weisman, J. (Assigned) and J. Belcher, Deputy
Clerk.

Each of the following:

B219142 People v. Conto
B217845 DCFS v. J.A.

Argument waived, cause submitted.

B212816 Charles Hathaway
 v.
 Foremost Investment Properties

Merits:
Argued by Bruce McIntosh for appellant and by Jeffrey Allison for
respondents. Cause submitted.

DIVISION FIVE (continued)

B214210 Robert Hill
 v.
 City of Los Angeles

Merits:
Argued by Paul Winnemore, deputy city attorney for appellant and by
Norman Pine for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Mosk, Acting P.J., Kriegler, J., Weisman, J. (Assigned) and J. Belcher, Deputy Clerk.

B216194 People v. Passalacqua

Argument waived, cause submitted.

B213597 Jonathan Bates, et al
 v.
 Tristen Aviation Group

Merits:
Argued by Ronald Kaplan for appellant and by Arthur Hodge for
respondents. Cause submitted.

B211270 Freemantlemedia North America
 v.
 Hilb, Rogal and Hobbs

Merits:
Argued by Mary Calkins for appellant and cross-respondent and by
Filomena Meyer and Kyle Kveton for respondents and cross-appellants.
Cause submitted.

Court adjourned.

March 1, 2010 (Continued)

DIVISION SIX

[illegible]

The trial court is directed: (1) to correct the minute order of the sentencing hearing conducted on March 12, 2009, and the abstract of judgment to show that, pursuant to section 654, it suspended execution of the sentences imposed on counts 3 (criminal threats - § 422) and 5 (possession of firearm by a felon - § 12021, subd. (a)(1)); and (2) to correct the minute order for the verdicts returned by the jury on February 17, 2009, to show that appellant was found not guilty of the crime of criminal threats (§ 422) as charged in count 4. The trial court is further directed to send a certified copy of the corrected abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

B217056 Child Protective Services (Not for Publication)
B217721 v.
Michael A.

The orders are affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

March 1, 2010 (Continued)

DIVISION SIX (continued)

B217324 People (Not for Publication)
v.
Robert Arguelles

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B211468 People (Not for Publication)
v.
Lamb

The judgment is modified to strike the following condition of probation from the minute order of the sentencing hearing: "Do not appear at any court proceeding at which a gang member is a defendant unless you are a co-defendant or subpoenaed as a witness." In addition, the probation condition stating, "Do not own, possess or wear any criminal street gang paraphernalia or exhibit any additional criminal street gang affiliation, including but not limited to dressing in, displaying or wearing any clothing, colors or other insignia associated with any criminal street gang or making, displaying, using or flashing any hand signs or signals associated with any criminal street gang," is modified to read: "Do not *knowingly* own, possess or wear any criminal street gang paraphernalia or exhibit any additional criminal street gang affiliation, including but not limited to dressing in, displaying or wearing any clothing, colors or other insignia associated with any criminal street gang or making, displaying, using or flashing any hand signs or signals associated with any criminal street gang." In all other respects, the judgment is affirmed. The trial court is directed to prepare an amended minute order of the sentencing hearing showing these modifications and to forward a copy to the probation authorities.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

March 1, 2010 (Continued)

DIVISION SIX (continued)

B217075 People (Not for Publication)
v.
Gregory Raymond Romero

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

B210291 People
v.
Nitschmann

Cause re-submitted.

DIVISION SEVEN

B209982 Bhaktivedanata Book Trust (Not for Publication)
v.
International Society for Krishna Consciousness, Inc.

The order denying the motion to unseal the superior court record is vacated and this matter is remanded to the superior court for further proceedings. On remand, the superior court is directed to reconsider the motion and conduct a new hearing on the matter in light of the California Rules of Court and the views expressed in this opinion to determine whether the motion should be granted. Appellant is awarded costs on appeal.

Woods, Acting P.J.

We concur: Zelon, J.
 Jackson, J.

March 1, 2010 (Continued)

DIVISION SEVEN (continued)

B217342 People (Not for Publication)
v.
R. S.,

The judgment is affirmed.

Woods, Acting P.J.

We concur: Zelon, J.
 Jackson, J.

B214198 Skolnique (Not for Publication)
v.
Coldwell Bankers Residential Brokerage

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Perluss, P.J.
Jackson, J.

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The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

March 1, 2010 (Continued)

DIVISION SEVEN (continued)

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The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B212430 DAS Corporation (Not for Publication)
v.
Optional Capital, Inc.

The order denying the section 425.16 special motion to strike is affirmed. DAS is to recover its costs on appeal.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B203415 Marina Glencoe, L. P. (Not for Publication)
v.
Malibu Escrow Corp., et al.

The judgement and post-judgment fee order are reversed, and the matter is remanded for further proceedings not inconsistent with this opinion. Marina Glencoe is to recover its costs on appeal.

Perluss, P.J.

We concur: Zelon, J.
 Jackson, J.

March 1, 2010 (Continued)

DIVISION SEVEN (continued)

B213376 Barba, Sr., (Not for Publication)
v.
Wal-Mart Transportation, LLC, et al.

The judgment is affirmed. Barba is to recover his costs on appeal.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B212850 Allen (Not for Publication)
v.
Riefman, et al.

The judgment is affirmed. Reifman and Mainstain are to recover their costs on appeal.

Perluss, P.J.

We concur: Zelon, J.
 Jackson, J.

B211481 People
v.
Cole

Filed order denying petition for rehearing.

DIVISION EIGHT

B216051 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Rosalinda G.,
In re Malachi G., a Person coming Under the Juvenile Court Law.

The judgment is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.
Lichtman, J. (Assigned)

B213063 People (Not for Publication)
v.
David A. Canas

The judgment is affirmed.

Flier, J.

We concur: Bigelow, P.J.
Rubin, J.